

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:

ALL COMMERCIAL AND  
INSTITUTIONAL INDIRECT  
PURCHASER PLAINTIFF ACTIONS

**DECLARATION OF JON A. TOSTRUD IN SUPPORT OF MOTION TO APPOINT  
TOSTRUD LAW GROUP, P.C.; ZIMMERMAN REED LLP; BARRETT LAW GROUP,  
P.A.; AND BOZEMAN LAW FIRM, P.A. TO PLAINTIFFS' STEERING COMMITTEE**

I, Jon A. Tostrud, declare:

1. I, along with my partner, Anthony Carter, are the founding members of Tostrud Law Group, P.C. (“TLG”), a law firm headquartered in Los Angeles, California.

2. I am an attorney duly licensed by the State of California and Minnesota and am admitted to practice before this Court.

3. On November 6, 2019, my client, Joe Lopez d/b/a Joe’s Steak and Leaf, was named as an additional Named Plaintiff in the Commercial and Institutional Indirect Purchaser Plaintiffs’ Second Amended Class Action Complaint as a part of this MDL. TLG has taken significant steps to advance the interests of our California client and the putative class, including participating in multiple meet and confers with defense counsel to coordinate and streamline discovery issues in order to positively advance the litigation.

4. I am confident TLG will make significant contributions to the Steering Committee. The matters set forth herein are within my personal knowledge. If called upon and sworn as a witness, I could competently testify regarding them.

5. I have been prosecuting complex class and collective action litigation cases for approximately 24 years. I am admitted to both the California and Minnesota Bars, as well as numerous United States District Courts. I started prosecuting class actions with Jonathan W. Cuneo in 1994 and worked for Mr. Cuneo’s firm first as an employee and then as Of Counsel until 2011. In 2012, seeking the challenge of starting my own firm, and with the full support of Mr. Cuneo, I opened Tostrud Law Group, PC. Since then, my colleague, Anthony Carter, and I have dedicated ourselves to representing plaintiffs in complex class and collective actions.

6. During that time, we have achieved significant rulings and accomplishments, most recently serving as Lead Counsel in a precedent-setting case establishing the standard for

sanctions relating to ESI discovery-related abuses. *Small v. UMC*, 2:13-cv-00298 APG-PAL (D. Nev.). TLG's *curriculum vitae* can be found at <http://www.tostrudlaw.com>. We have participated in dozens of additional complex cases – the vast majority of them class actions. In many of those cases, we served in a leadership position. TLG is currently serving as Class Counsel in a \$32.5 million dollar settlement of class claims in Los Angeles County Superior Court which received preliminary approval in October, 2020. *Engquist, et al. v. City of Los Angeles*, Case No. BC591331. On July 22, 2109, TLG was appointed to the Indirect Resellers Plaintiffs' Steering Committee for *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.) (representing a putative class of indirect purchaser pharmacy resellers bringing indirect purchaser actions against drug manufacturers). Also, TLG worked closely with Mr. Cuneo and other firms who are actively prosecuting this case in the *In re Lithium-Ion Batteries Antitrust Litigation.*, MDL No. 2420 (N.D. Cal.) (representing a putative class of indirect purchasers against leading manufacturers of lithium-ion rechargeable batteries).

7. Some of the notable cases in which I have served or TLG has served in a leadership position include the following: *Engquist v. City of Los Angeles*, Case No. BC591331 (Superior Court for the County of Los Angeles); *Small v. University Medical Center of Southern Nevada*, Case No. 13-cv-298 (D. Nev.); *Grahl v. Circle K Stores, Inc.*, No. 14-cv-305 (D. Nev.); *Ardon v. City of Los Angeles*, No. BC363959 (Superior Court for the County of Los Angeles); *Granados v. County of Los Angeles*, No. BC361470 (Superior Court for the County of Los Angeles); *Rocha, et al. v. Gateway Funding*, No. 15-cv-482 (E.D. Pa.); *Ord, et al. v. First National Bank of Pennsylvania and F.N.B. Corp.*, No. 12-cv-766 (W.D. Pa.); *Wineland, et al v. Casey's General Stores, Inc.*, No. 08-cv-20 (S.D. Iowa).

8. Working alongside with me on this pork antitrust litigation will be my

experienced colleague, Anthony Carter. Mr. Carter has taken on significant responsibility at TLG for prosecuting claims on behalf of indirect purchasers in several cases, including *In re Generic Pharmaceuticals* case, and *In re Lithium-Ion Batteries*. Our long experience in managing complex cases makes us well qualified for appointment as a member of Plaintiffs' Steering Committee for the Commercial and Institutional Indirect Purchaser Plaintiffs Class.

9. TLG has been actively participating in and prosecuting the Pork Antitrust case for the past 14 months. TLG has demonstrated its commitment to the case by having already invested substantial time and financial resources in this matter. TLG spent considerable time researching and investigating Joe's Steak & Leaf's suitability to serve as a representative for the Commercial and Institutional Indirect Purchaser Plaintiffs class. TLG has since worked with Mr. Cuneo's firm to research and obtain critical and important information and data from the client, as well as participate in multiple meet and confers with defense counsel. At the same time, TLG is ready, willing, and able to make substantial *additional* commitments to this litigation and has adequate financial resources to prosecute this class action in a timely manner.

10. During many years of practice, TLG has demonstrated an ability to work cooperatively with dozens of co-counsel on the plaintiffs' side, including on this case.

I affirm under penalty of perjury on this 14<sup>th</sup> day of January, 2021 that the foregoing is true to the best of my knowledge.

/s/ Jon A. Tostrud

Jon A. Tostrud